

Attachment D-2

Form of Ordinance

Zoning Ordinance

October 2010

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY
ZONING ORDINANCE RELATED TO CONSERVATION
SUBDIVISIONS AND THE GENERAL PLAN UPDATE

- Information Copy in Track Changes
- Clean Version

(Underline indicates addition)
(~~Strikeout~~ indicates deletion)

ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
RELATED TO THE GENERAL PLAN UPDATE**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be amended to be consistent with the General Plan Update. The amendments made by this ordinance are intended to revise references and to implement the San Diego County General Plan. The regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies. The County desires to allow flexibility in the design of subdivisions in order to minimize development impacts, protect environmental resources and preserve open space. A portion of this Ordinance will implement a Conservation Subdivision Program which is intended to accommodate planned growth while ensuring that the essential elements of surrounding communities, such as community character, sensitive environmental resources, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational resources and park lands are undisturbed. This Ordinance allows for a review of the design of subdivisions in order to achieve a balance between impacts to open space, steep slope areas and effects of development on surrounding communities. This Ordinance provides that where lands proposed to be developed are constrained by environmental resources, reduced minimum lot sizes will be permitted to avoid the resources and locate the development in less sensitive areas while preserving community character through site and building design standards. Avoided areas will be preserved as open space and will not be developed.

Section 2. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Gross: The total area of a legally created parcel including:

1. All private streets and other easements (such as open space easements) where the underlying property is held in fee title.
2. The area to the centerline of any abutting Non-Circulation Mobility Element ~~Route public street road~~ right-of-way, and
3. Only the 30 foot local interest portion of any abutting ~~Circulation~~ Mobility Element ~~Route street road~~ right-of-way shall be included.
4. The area within any trail easement dedicated pursuant to the County Trails Program.

Section 3. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Net: The gross area of a parcel minus:

1. The area of any street right-of-way,
2. Any fenced flood control or walkway easement. The area within any trail easement dedicated pursuant to the County Trails Program shall not be subtracted from the gross area of a parcel to calculate the Net Lot Area.
3. Irrevocable offers of dedication when the property is within ~~an urban~~ a Village classification of the General Plan; and
4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.

Section 4. Section 2050, COMPATIBILITY MATRIX, of the Zoning Ordinance is added to read as follows:

2050 COMPATIBILITY MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Compatibility Matrix which expresses in graphic form the compatible Use Regulations contained in Sections 2100 through 2989, inclusive with the appropriate General Plan Land Use Designations.

COMPATIBILITY MATRIX

SUMMARY PREPARED PURSUANT TO SECTION 2050

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance and General Plan.

USE REGULATIONS

Land Use Designations

	RS	RD	RM	RV	RU	RRO	RR	RC	RMH	C30	C31	C32	C34	C35	C36	C37	C38	C40	C42	C44	C46	M50	M52	M54	M56	M58	A70	A72	S80	S82	S86	S88	S90	S92	S94	
Land Use Designations	RS	RD	RM	RV	RU	RRO	RR	RC	RMH	C30	C31	C32	C34	C35	C36	C37	C38	C40	C42	C44	C46	M50	M52	M54	M56	M58	A70	A72	S80	S82	S86	S88	S90	S92	S94	
Village Residential																																				
Village Residential 30 (VR-30)	○	●	●	●	●	●	●	●	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 24 (VR-24)	○	●	●	●	●	●		●	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 20 (VR-20)	○	●	●	●	●	●		●	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 15 (VR-15)	○	●	●	●	●	●		●	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 10.9 (VR-10.9)	●	●	●	●	●	●		○	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 7.3 (VR-7.3)	●	●	●	●	●	●		○	●		○		○	○													○	○	●	○	○	●	●	○	●	
Village Residential 4.3 (VR-4.3)	●	●	●	●	●	●	○	○	●																		○	○	●	○	○	●	●	○	●	
Village Residential 2.9 (VR-2.9)	●	●	●	●	●	●	○	○	●																		○	○	●	○	○	●	●	○	●	
Village Residential 2 (VR-2)	●	●	○	○	●	●	●	○	●																		○	○	●	○	○	●	●	○	●	
Semi-Rural																																				
Semi-Rural 0.5 (SR-.05)	●	●	○	○	○	●	●	○	●																		○	○	●	○	○	●	●	○	●	
Semi-Rural 1 (SR-1)	●	●	○	○	○	●	●	○	●																		○	○	●	○	○	●	●	○	●	
Semi-Rural 2 (SR-2)	●	○				○	●	○	○						○			○		○							●	○	●	○	○	●	●	●	●	
Semi-Rural 4 (SR-4)	○					○	●	○	○						○			○		○							●	●	●	○	○	●	●	●	●	
Semi-Rural 10 (SR-10)	○					○	●	○	○						○			○		○							●	●	●	○	○	●	●	●	●	
Rural Lands																																				
Rural Lands 20 (RL-20)							●		○						○			○		○							●	●	●	○	○	●	●	●	●	
Rural Lands 40 (RL-40)							●		○						○			○		○							●	●	●	○	○	○	●	●	●	
Rural Lands 80 (RL-80)							●		○						○			○		○							●	●	●	○	○	○	●	●	●	
Rural Lands 160 (RL-160)							●		○						○			○		○							●	●	●	○	○	○	●	●	●	
Commercial																																				
General Commercial (C-1)										●	○	●	●	●	●	○	○	○	●	●	●								●		●	●	●		●	
Office Professional (C-2)										●	○	○	○	○	○	○	○	○	○	○	○	●						●		●	●	●		●		
Neighborhood Commercial (C-3)										●	○	●	○	○	○	○	○	○	○	○	○							●		●	●	●		●		
Rural Commercial (C-4)										○	○	○	○	○	○	○	○	●	●	●	○									●	●	●				
Village Core Mixed Use (C-5)					○			○		●	●	●	●	●	●	●	●	○	●	○	●										●	●	●			
Industrial																																				
Limited Impact Industrial (I-1)															○	○	○	○				●	●	○					●		●	●	●		●	
Medium Impact Industrial (I-2)															○	●	●	●				○	●	●	●	○					●	●				
High Impact Industrial (I-3)															○	○	○	○				○	●	●	●				●	●	●	●		●		
Other																																				
Tribal Lands (TL)																																				
Federal and State Lands (F/SL)	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	●	●	○	●	●	○	●
Specific Plan Area (SPA)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Public/Semi-Public Facilities (P/SP)																													●	●		●	●		●	
Open Space-Conservation (OS-C)																													●			●	●		●	
Open Space-Recreation (OS-R)																													●			●	●		●	

**MATRIX
LEGEND**

- Consistent Use Regulation
- Special Circumstances

Section 5. Section 2100, RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RESIDENTIAL USE REGULATIONS

RS# SINGLE FAMILY RESIDENTIAL USE REGULATIONS

RD# DUPLEX/TWO FAMILY RESIDENTIAL USE REGULATIONS

RM# MULTI-FAMILY RESIDENTIAL USE REGULATIONS

RV# VARIABLE FAMILY RESIDENTIAL USE REGULATIONS

~~—(# = Number which denotes approximate dwelling units per acre.)~~

2100 INTENT.

The provisions of Section 2100 through Section 2109, inclusive, shall be known as the RS Single Family Residential Use Regulations, the RD Duplex/ Two Family Residential Use Regulations, the RM Multi-Family Residential Use Regulations, or the RV Variable Family Residential Use Regulations, depending on the building type specified in the title. These Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a traditional, exclusively single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

Section 6. Section 2140, URBAN RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RU# URBAN RESIDENTIAL USE REGULATIONS

~~—(# = Number which denotes approximate dwelling units per acre.)~~

2140 INTENT.

The provisions of Section 2140 through Section 2149, inclusive, shall be known as the RU Urban Residential Use Regulations. The RU Use Regulations are intended to create and enhance areas where permanent family residential uses are permitted and institutional residential care uses are conditionally permitted and civic uses are permitted when they serve the needs of the residents. Typically, the RU Use Regulations would be applied to rural, suburban, or urban areas where adequate levels of public services are available. Various applications of the RU Use Regulations with appropriate development designators can create areas which have a single-family character or areas which, because of the scale of structures, are recognizable as high-density areas.

Section 7. Section 2180, RURAL RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RR# RURAL RESIDENTIAL USE REGULATIONS

~~———(# = Number which denotes approximate dwelling units per acre.)~~

2180 INTENT.

The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

Section 8. Section 2870, LIMITED CONTROL USE REGULATIONS, of the Zoning Ordinance is repealed as follows:

~~S87 LIMITED CONTROL USE REGULATIONS~~

~~2870 INTENT.~~

~~The provisions of Section 2870 through Section 2879, inclusive, shall be known as the S87 Limited Control Use Regulations. The S87 Use Regulations are intended to provide limited controls on the use of property in portions of the unincorporated area of the County pending specific studies to enable rezoning of said area in conformance with the adopted General Plan.~~

~~2872 PERMITTED USES:~~

~~The following use types are permitted by the S87 Use Regulations:~~

~~a. Residential Use Types.~~

~~Family Residential~~

~~b. Civic Use Types.~~

~~Essential Services~~

~~Fire Protection Services (see Section 6905)~~

~~c. Agricultural Use Types.~~

~~Horticulture (all types)~~

~~Tree Crops~~

~~Row and Field Crops~~

~~Packing and Processing: Limited~~

~~2873 PERMITTED USES SUBJECT TO LIMITATIONS.~~

~~The following use types are permitted by the S87 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.~~

~~a. Commercial Use Types.~~

~~Animal Sales and Services: Veterinary (Large Animals) "6"~~

~~Animal Sales and Services: Veterinary (Small Animals) "6"~~

~~Recycling Collection Facility, Small or Large "2"~~

Usable Open Zones Space	Designators							
	Den- sity	Lot Size	ing Type	Floor Area	Maximum F.A.R.	Height	Cover- age	Set- back
Residential I	R- <u>O</u>	R	R	O	0	R	0	R

Commercial I	O	O	R	O	O	R	O	R
Mfg/ Industrial X	X	O	R	O	O	R	O	R
Agricultural I	O	R	R	O	O	R	O	R
Special Use I	O	O	O	O	O	O	O	O

Key

R = Required. Designator shall always be included within the Development Regulations except that the lot size designator is optional when zone contains "P" designator under Special Area Regulations.

O = Optional. Designator may be included within the Development Regulations when deemed appropriate.

X = Prohibited. Designator shall not be included within the Development Regulations.

I = Designator shall be included within the Development Regulations when the multi-dwelling residential building type or the attached three to eight dwelling units residential building type is or may be permitted within the zone. (Refer to building type designator).

Section 10. Section 4105, DENSITY DESIGNATOR NOTATION, of the Zoning Ordinance is amended to read as follows:

4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively or a zero "0" density indicating no dwelling units are allowed. A dash ("-") shall indicate that ~~no dwelling units are allowed~~ no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. ~~This prohibition~~ A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

Section 11. Section 4110, DENSITY REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4110 DENSITY REGULATIONS.

- a. Specification of Density. The adopted San Diego County General Plan provides the maximum allowed residential density for residential land use designations. Maximum residential densities expressed in dwelling units per net residential acre

~~shall~~ may be established in zoning to regulate the density of residential development where densities are not specified in the General Plan or lesser densities than those in the General Plan are deemed appropriate. Any such density may be specified within the Development Regulations.

- b. Density Designator. In no case shall a density greater than ~~43 dwelling units per net residential acre~~ that allowed in the General Plan be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

Section 12. Section 4115, COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS, of the Zoning Ordinance is amended to read as follows:

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.
The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate ~~that no dwelling unit is allowed as a principal or secondary use~~ no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. ~~This prohibition A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.~~

Section 13. Section 4210, LOT AREA REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit. ~~The adopted San Diego County General Plan shall serve to guide the specification of minimum lot area.~~

- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

Section 14. Section 4220, MINIMUM LOT AREA REQUIREMENTS MET, of the Zoning Ordinance is amended to read as follows:

4220 MINIMUM LOT AREA REQUIREMENTS MET – SUBSTANDARD LOT
Any substandard lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and
- b. It is not the result of a division of land in violation of any state law or county ordinance.

Section 15. Section 4221, MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS, of the Zoning Ordinance is amended to read as follows:

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.
The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, ~~except as required in the S87 Use Regulations the required minimum area shall include the area to the centerline of adjacent streets and access easements and provided further that a lot or building site may have an area less than the Development Regulations require in the S87 Use Regulations~~, provided that one of the following requirements is satisfied:

[a. thru d., no change]

Section 16. Section 4230 of the County Zoning Ordinance is amended to read as follows:

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.
Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

- a. Purpose and Intent

The purpose of lot area averaging is to allow flexibility in lot size, ~~taking topography into account so as to minimize grading and preserve steep natural slopes and encourage site design that avoids~~ environmental resources, preserves open space areas, and responds to unique site and area features. The intent is

that the lots shall relate to the ~~topography~~ natural features, with larger lots or open space to be located in ~~steep areas or in other~~ environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, ~~density, and if applicable, proposed building coverage~~ building setbacks and orientation;
 - ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots conform to at least the minimum lot size required by the applicable lot area designator, unless such adjoining area is to be preserved for open space for preservation of steep natural slopes or environmental resources or that adequate buffering has been provided to eliminate any significant harmful effect to neighboring properties;
 - iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
- ~~2. That the use and development of the property complies with all conditions that may be imposed by such permit.~~
23. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
34. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archeological or historical resources ~~only~~, and will be permanently reserved for open space in a

manner which makes the County or a public agency a party to and entitled to enforce the reservation.

45. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

Section 17. Section 4835, PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS, of the Zoning Ordinance is amended to read as follows:

(following pages)

[a. thru f. only]

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential S87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of required yard in combination with all detached accessory structures.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. _The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted-----				
e. Stands	Permitted where stands are allowed by Section 6156.	-----Not permitted-----			
f. Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 18. Section 5025, LISTINGS OF DESIGNATORS, of the Zoning Ordinance is amended to read as follows:

5025 LISTINGS OF DESIGNATORS.
The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
C	Airport Land Use Compatibility Plan Area	5250-5260
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747
J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856
W	Flood Channel	5450-5472

Section 19. Section 5250-5260, AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS, of the Zoning Ordinance is added to read as follows:

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

5250 TITLE AND PURPOSE.

The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses with portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San

Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

5252 APPLICATION OF AIRPORT LAND USE COMPATIBILITY PLAN DESIGNATOR.
The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located in unincorporated County territory with AIAs set forth in the ALUCPs adopted for the following airports: Agua Caliente Airport, Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airport, McClellan-Palomar Airport, MCAS-Miramar, MCAS-Pendleton, Ramona Airport and San Diego International Airport.

5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS
ALUCPs provide compatibility policies and criteria applicable to properties located within AIAs. New development, redevelopment, expansions, conversions and other uses of land located within the AIA of an adopted ALUCP for which County approval or permit are required shall be reviewed against the established criteria and policies of the ALUCP. Unless the property is already devoted to the proposed incompatible use or the ALUCP is overridden by the County in a manner which renders the use compatible with the ALUCP, the proposal, must comply with the established policies and criteria of the applicable ALUCP. ALUCPs are available at the Department of Planning and Land Use and from the Authority.

5256 PROJECTS SUBJECT TO AUTHORITY REVIEW
Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC currently requires Authority review for the following actions:

- (i) adoption or amendments to general and specific plans;
- (ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the AIA;
- (iii) adoption and amendment of Airport Master Plans;
- (iv) construction plans for new airports;
- (v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones);
- (vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and
- (vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

The County may, in its discretion, require submittal of projects to the Authority for review when review is not required by the PUC.

5258 OVERRIDING AIRPORT COMPATIBILITY PLANS

The County consistent with the PUC may overrule land use policies and criteria in the adopted ALUCPs that would otherwise be applicable to unincorporated territory over which the County retains land use authority by taking the following steps:

- (i) holding a public hearing;
- (ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act, PUC Section 21670, et seq; and
- (iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE

Land devoted to an incompatible use prior to approval of an ALUCP may be used in accordance with this pre-existing use even if inconsistent with the ALUCP. To ascertain whether or not an incompatible use was established prior to the adoption of an ALUCP requires a careful review of the status of development entitlements, the scope and nature of development or redevelopment, and Authority policies which may be applicable to infill, reconstruction and other activities that may be deemed an existing incompatible use. Incompatible use determinations are fact sensitive and will be made on a case by case basis by the Director, Department of Planning and Land Use, with input from the Authority when required.

Section 20. Section 5307, USE REGULATIONS AND DEVELOPMENT STANDARDS, of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. thru c., no change]

- d. Steep Slope Lands. No development, grading, excavation, or deposit of soil or other material, on Steep Slope Lands shall be permitted except as follows:
 - 1. Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slopes. Where 10 percent or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement, unless the lot is equal to or greater than 40 acres.

The open space easement shall not include any area of encroachment within the limits of the encroachment table at subparagraph (i) below. The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified at subparagraph (ii) below. New agricultural operations with approved grading or clearing permits will also be allowed in such open space easements, provided any other type of

sensitive lands present are protected as required by the applicable sections of this Ordinance.

- i. For all types of projects the maximum encroachment that may be permitted into steep slope areas shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-five Percent
Slope Encroachment Allowance

Percent of Lot in Slopes of Twenty-five Percent Grade and Greater	Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

- ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:
 - a) All public roads identified in the ~~Circulation~~ Mobility Element of the County General Plan or adopted Community or Subregional Plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
 - b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
 - c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.
 - d) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance

is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- e) Trails for passive recreational use according to approved park plans.
- f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
- g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.

2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:

- i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and
- ii. The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent rezone has been filed; and
- iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.
- iv. Site Plan review is required, to ensure consistency of design with these regulations.

[e. thru f., no change]

Section 21. Section 5800, TITLE AND PURPOSE, of the Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more

economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in rural areas.

Section 22. Section 5953, EXCEPTIONS, of the Zoning Ordinance is amended to read as follows:

5953 EXCEPTIONS.

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

[a. thru e., no change]

- f. Except for provisions of Section 5955, the construction of roads shown on the ~~Circulation~~ Mobility Element of the San Diego County General Plan.

Section 23. Section 6124, TEMPORARY OUTDOOR SALES, of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.

Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

- a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:
1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, ~~on developed commercial sites in the S87 Use Regulations~~ or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

[2. thru 8., no change]

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

- b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, ~~on developed commercial sites in the S87 Use Regulations~~ or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

[2. thru 7., no change]

Section 24. Section 6156, RESIDENTIAL AND AGRICULTURAL USE TYPES, of the Zoning Ordinance is amended to read as follows:

[a. thru g., no change]

h. Barns and Agricultural Storage Buildings shall be limited as follows:

[1. no change]

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, ~~S87~~ and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed that permitted by Section 4620(e). A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

[3. no change]

i. Offices. Offices are permitted only in zones subject to the A70, A72, ~~S87~~, S90, and S92 Use Regulations.

[j. no change]

k. Guest Living Quarters. In the A70, A72, RR, ~~S87~~, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:

[1. thru 5., no change]

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

[l. thru p., no change]

q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, ~~S87~~, S90 and S92 Use Regulations.

[2. thru 10., no change]

[r. thru t., no change]

- u. Farm Employee Housing. In the RR, A70, A72, S80, ~~S87~~, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

[1. thru 10., no change]

- v. Horticultural Sales. In all residential, agricultural, and ~~S87~~, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

[w. thru zz., no change]

Section 25. Section 6205, OFF-PREMISE SIGNS, of the Zoning Ordinance is amended to read as follows:

6205 OFF-PREMISE SIGNS.

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an Administrative Permit. No application shall be accepted which is not accompanied by evidence of current approval by the applicable section of the Outdoor Advertising Act, Division 3 of the Business and Professions Code, State of California.

- a. Permitted Locations: Off-premise signs may be placed only in the following locations, unless otherwise prohibited:
 1. On a lot or parcel in zones subject to the C37, C38, M54 and M58 Use Regulations.
 2. ~~On a lot or parcel subject to the S87 Use Regulations that in the judgment of the Director, constitutes a clearly established commercial or industrial area or located within 200 feet of such area.~~

[b. thru k., no change]

Section 26. Section 6261, ON-PREMISE SIGNS REGULATED, of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.

Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated

or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
 - 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
 - 2. ~~On premises upon which a commercial or industrial use type legally exists subject to the S87 Use Regulations.~~
 - 3. ~~2.~~ On premises in any zone where a nonconforming commercial or industrial use type exists.
 - 4. ~~3.~~ Fallbrook Village Zones.

[b. thru d., no change]

- e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:
 - 1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.
 - 2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the ~~Current Urban Development Area as shown on the~~ Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized ~~on~~ in the Circulation Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.
 - 3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.
 - 4. The Site Plan waiver provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.
 - 5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

- f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 27. Section 6263, FREESTANDING SIGNS, of the Zoning Ordinance is amended to read as follows:

6263 FREESTANDING SIGNS.

[a. and b., no change]

- c. Height.

1. A freestanding sign shall not exceed a height measured from the ground of:
 - i. Eight feet in zones within the California Coastal Zone except that freeway oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs;
 - ii. Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Regulations;
 - iii. Twenty-five feet in any zone subject to the C34, C35, C36, C40, C42, C44, M50, and M52 ~~and S87~~ Use Regulations; or
 - iv. Thirty-five feet in any zone subject to the C37, C38, M54 and M58 Use Regulations.
 - v. Six feet in Fallbrook Village Zones V1, V2, V3, V4 and V5.
2. A freeway-oriented sign may be increased 10 feet above the height specified in paragraph 1 above.

[d. and e., no change]

Section 28. Section 6332, SITE SELECTION CRITERIA, of the Zoning Ordinance is amended to read as follows:

6332 SITE SELECTION CRITERIA.

A heliport, helipad or helistop shall meet the following site location criteria:

[1. thru 6., no change]

7. Heliports and helipads shall be located within 0.5 miles of an existing expressway freeway, prime arterial, or major road or boulevard shown as noted in the Circulation Mobility Element of the General Plan.
8. These criteria are waived for takeoff and landing areas that meet the definition of "Incidental Landing Area" as defined in this ordinance.

Section 29. Section 6402, GENERAL STANDARDS, of the Zoning Ordinance is amended to read as follows:

6402 GENERAL STANDARDS.

- a. Minimum Site Area. Each resort services use shall occupy a site not less than 5 acres in area.
- b. Density. A resort services use shall not have a density of transient habitation units greater than the higher of the following:
 1. Five transient habitation units per acre, or
 2. The number specified by the applicable Density Designator or the General Plan.

[c. thru h., no change]

Section 30. Section 6536, GENERAL STANDARDS: MINI-MOBILEHOME PARKS, of the Zoning Ordinance is amended to read as follows:

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

- a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application ~~or for mobilehome parks approved pursuant to Policy 3.8 of the Land Use Element of the General Plan~~ or for a mini-mobilehome park with less than nine units.
- c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

Section 31. Section 6621, MAXIMUM DENSITY of the County Zoning Ordinance is amended to read as follows:

6621 ~~MAXIMUM DENSITY~~ COMPUTATION OF PERMITTED NUMBER OF LOTS.

~~The Density Regulations commencing at Section 4100 shall apply in a planned development except as otherwise provided in this Section.~~ The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

- a. Computation of Residential Acreage in an Exclusively Residential Planned Development. In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the

development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.

- b. Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types. For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:
 - 1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for residential development (and its associated open space) shall be used as the basis for computing density.
 - 2. For those portions of the site where the residential and non- residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.
- ~~c. Findings of Residential Acreage. The Director shall compute the residential acreage pursuant to either subsection "a" or "b".~~
- ~~d. Applicable Maximum Density. The maximum density provisions of the applicable density designator shall be used in the computation of the permitted number of dwelling units.~~
- ~~e. Permitted Number of Dwelling Units. The number of dwelling units shall not exceed the product of the maximum density determined in subsection "d" multiplied by the residential acreage determined in either subsection "a" or "b".~~

Section 32. Section 6624, LOT SIZE, of the Zoning Ordinance is amended to read as follows:

6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350:

- ~~a. Within the RR, A70 and A72 use regulations the minimum lot size shall be 50 percent of the minimum lot size requirement of the applicable zone (provided that any applicable General Plan Land Use Element lot size standards are satisfied). Within the RS use regulations the minimum lot size shall be 60 percent of the minimum lot size requirement of the applicable zone, except that no lot shall be less than 5,000 square feet; and~~
- ~~b. Each lot containing a mobile home shall have a minimum of 3,000 net square feet.~~

Section 33. Section 6627, BUILDING TYPE, of the Zoning Ordinance is amended to read as follows:

6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development, ~~except that the single detached residential building type shall be required for residential buildings in the RS, RR, A70 and A72 use regulations.~~

Section 34. Section 6642, SETBACKS-PERIMETER of the County Zoning Ordinance is amended to read as follows:

6642 SETBACKS-PERIMETER.

The following setbacks shall be maintained on the perimeter of a planned development:

- a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.
- b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet ~~from~~from the right-of-way of such street shall be maintained.
- c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

Section 35. Section 6648, OPEN SPACE of the County Zoning Ordinance is amended to read as follows:

6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments ~~having a density of four (4) dwelling units per acre or greater~~ shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. ~~Plot plans for planned developments at a lesser density may be required to provide such information.~~ In the event of conflict between the Usable Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

- a. Minimum Open Space. ~~Open Space shall comprise at least 40 percent of the total land area in residential use types shall be as computed in per Section 6621.a or b for purposes of determining the open space requirements. Such open space may be located anywhere within a planned development. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as open space for purposes of this paragraph. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.~~
- b. Minimum Private Usable Open Space. ~~At least 1/2 of the open space required by subsection "a" shall be usable open space conforming to the Usable Open Space~~

Regulations commencing at Section 4900. Private Usable Open Space shall be provided on each lot within the subdivision per the table below:

GP Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on individual lots shall be in addition to the Conservation/Group Open Space requirement.

- c. Remaining Conservation/Group Open Space. The total useable and/or non-useable open space shall be provided on the project site pursuant to the table below.

i. Conservation Open Space. The remaining ½ of the Non-useable conservation open space required by subsection “a” may be improved, or may shall be left in its natural state, particularly if natural features worthy of preservation exist on the site and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the total conservation open space requirement.

ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

GP Designation	Percent Conservation/Group Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

- d. Staged Development. If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a

proportionate share of the total open space and environmental quality of the total planned development.

- e. **Reservation for Common Use.** All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)
- f. **Unreserved open space.** Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement ~~to which the homeowners association and the County or other public agency shall be made parties and entitled to enforce any conditions and restrictions of the easement.~~
- g. **Additional Requirements for Mobilehomes.** In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
 - 1. At least one substantial area of group usable open space shall be provided. Such area shall:
 - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
 - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - iii. Include outdoor recreational facilities for both active and passive recreation.
 - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
 - 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

Section 36. Section 6678, MODIFICATION OF REQUIREMENTS of the County Zoning Ordinance is amended to read as follows:

6678 MODIFICATION OF REQUIREMENTS.

Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density, ~~lot size or building type~~ provisions of Sections 6621, ~~6624(a) or 6627~~, nor from the open space provisions of Section 6648(a), nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

Section 37. Section 6867, NONCONFORMING USE – DAMAGE OR DESTRUCTION OF STRUCTURES, of the Zoning Ordinance is amended to read as follows:

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

- a. If ~~the a~~ structures containing any nonconforming use ~~are~~ is damaged or destroyed to the extent that the cost of reconstruction, repairing or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the nonconforming use shall not be resumed on the same lot. ~~Notwithstanding the provisions of this section, if a structure in a Special Parking District, as defined in Section 5761, is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed even if the cost of reconstruction, repairing or rebuilding of the structure exceeds 75 percent of said replacement valuation if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 5761(c)3. , said structure may be reconstructed, repaired or rebuilt to the predamaged size as lawfully existed prior to the damage or destruction.~~
- b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). ~~However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.~~

Section 38. Section 6900, AMBULANCE SERVICE, of the Zoning Ordinance is amended to read as follows:

6900 AMBULANCE SERVICE.

Ambulance services in zones subject to the RU Use Regulations shall comply with the following provisions.

- a. Exclusive Use. No business, other than emergency ambulance service, shall be conducted on the premises nor shall any office equipment or signs be located on the premises.
- b. Setback. The ambulance service shall be located no farther than 1,500 feet from an improved road which is designated as no less than a Minor Collector Highway by the ~~Circulation~~ Mobility Element of the San Diego County General Plan.
- c. Use of Warning Equipment. No siren or flashing lights or any other emergency warning equipment shall be used prior to reaching such Collector Highway as described in subsection "b" above.
- d. Storage. Ambulance shall be parked or stored entirely within an enclosed building.

Section 39. Section 6987, DESIGN REGULATIONS, of the Zoning Ordinance is amended to read as follows:

6987 DESIGN REGULATIONS

[A. thru C., no change]

- D. In ~~a~~ cases where the facility site is visible from ~~"Official", "First", "Second" or "Third"~~ Priority ~~a~~ Scenic Highways, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

[E. thru R., no change]

Section 40. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____, a newspaper of general circulation published in the County of San Diego.

ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
RELATED TO THE GENERAL PLAN UPDATE**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be amended to be consistent with the General Plan Update. The amendments made by this ordinance are intended to revise references and to implement the San Diego County General Plan. The regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies. The County desires to allow flexibility in the design of subdivisions in order to minimize development impacts, protect environmental resources and preserve open space. A portion of this Ordinance will implement a Conservation Subdivision Program which is intended to accommodate planned growth while ensuring that the essential elements of surrounding communities, such as community character, sensitive environmental resources, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational resources and park lands are undisturbed. This Ordinance allows for a review of the design of subdivisions in order to achieve a balance between impacts to open space, steep slope areas and effects of development on surrounding communities. This Ordinance provides that where lands proposed to be developed are constrained by environmental resources, reduced minimum lot sizes will be permitted to avoid the resources and locate the development in less sensitive areas while preserving community character through site and building design standards. Avoided areas will be preserved as open space and will not be developed.

Section 2. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Gross: The total area of a legally created parcel including:

1. All private streets and other easements (such as open space easements) where the underlying property is held in fee title.
2. The area to the centerline of any abutting Non Mobility Element road right-of-way, and
3. Only the 30 foot local interest portion of any abutting Mobility Element road right-of-way shall be included.
4. The area within any trail easement dedicated pursuant to the County Trails Program.

Section 3. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Net: The gross area of a parcel minus:

1. The area of any street right-of-way,

2. Any fenced flood control or walkway easement. The area within any trail easement dedicated pursuant to the County Trails Program shall not be subtracted from the gross area of a parcel to calculate the Net Lot Area.
3. Irrevocable offers of dedication when the property is within a Village classification of the General Plan; and
4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.

Section 4. Section 2050, COMPATIBILITY MATRIX, of the Zoning Ordinance is added to read as follows:

2050 COMPATIBILITY MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Compatibility Matrix which expresses in graphic form the compatible Use Regulations contained in Sections 2100 through 2989, inclusive with the appropriate General Plan Land Use Designations.

INSERT Compatibility matrix

Section 5. Section 2100, RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RESIDENTIAL USE REGULATIONS

RS SINGLE FAMILY RESIDENTIAL USE REGULATIONS
RD DUPLEX/TWO FAMILY RESIDENTIAL USE REGULATIONS
RM MULTI-FAMILY RESIDENTIAL USE REGULATIONS
RV VARIABLE FAMILY RESIDENTIAL USE REGULATIONS

2100 INTENT.

The provisions of Section 2100 through Section 2109, inclusive, shall be known as the RS Single Family Residential Use Regulations, the RD Duplex/ Two Family Residential Use Regulations, the RM Multi-Family Residential Use Regulations, or the RV Variable Family Residential Use Regulations, depending on the building type specified in the title. These Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a traditional, exclusively single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

Section 6. Section 2140, URBAN RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RU URBAN RESIDENTIAL USE REGULATIONS

2140 INTENT.

The provisions of Section 2140 through Section 2149, inclusive, shall be known as the RU Urban Residential Use Regulations. The RU Use Regulations are intended to create and enhance areas where permanent family residential uses are permitted and institutional residential care uses are conditionally permitted and civic uses are permitted when they serve the needs of the residents. Typically, the RU Use Regulations would be applied to rural, suburban, or urban areas where adequate levels of public services are available. Various applications of the RU Use Regulations with appropriate development designators can create areas which have a single-family character or areas which, because of the scale of structures, are recognizable as high-density areas.

Section 7. Section 2180, RURAL RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is amended as follows:

RR RURAL RESIDENTIAL USE REGULATIONS

2180 INTENT.

The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

Section 8. Section 2870, LIMITED CONTROL USE REGULATIONS, of the Zoning Ordinance is repealed.

Section 9. Section 4008, DEVELOPMENT DESIGNATORS, of the Zoning Ordinance is amended to read as follows:

4008 DEVELOPMENT DESIGNATORS.

All applications of the Development Regulations shall contain designators appropriate and auxiliary to the zone's Use Designator. When a designator is not included for the Development Regulations, a dash ("-") shall occupy the location normally occupied by the designator. The meaning of a dash ("-") shall be as specified in the appropriate regulations for each designator. Where a blank space has been used it shall have the same meaning as a dash. Designators shall be included for Development Regulations in accordance with the following table.

Usable	<u>Designators</u>							
	Den-	Lot	ing	Build-	Maximum			
<u>Open</u>								
<u>Zones</u>	Den-	Lot	ing	Floor			Cover-	Set-
<u>Space</u>	sity	Size	Type	Area	F.A.R.	Height	age	back
Residential I	O	R	R	O	O	R	O	R
Commercial I	O	O	R	O	O	R	O	R
Mfg/ Industrial X	X	O	R	O	O	R	O	R
Agricultural I	O	R	R	O	O	R	O	R
Special Use I	O	O	O	O	O	O	O	O

Key

- R = Required. Designator shall always be included within the Development Regulations except that the lot size designator is optional when zone contains "P" designator under Special Area Regulations.
- O = Optional. Designator may be included within the Development Regulations when deemed appropriate.
- X = Prohibited. Designator shall not be included within the Development Regulations.
- I = Designator shall be included within the Development Regulations when the multi-dwelling residential building type or the attached three to eight dwelling units residential building type is or may be permitted within the zone. (Refer to building type designator).

Section 10. Section 4105, DENSITY DESIGNATOR NOTATION, of the Zoning Ordinance is amended to read as follows:

4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively or a zero "0" density indicating no dwelling units are allowed. A dash ("-") shall indicate that no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

Section 11. Section 4110, DENSITY REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4110 DENSITY REGULATIONS.

- a. Specification of Density. The adopted San Diego County General Plan provides the maximum allowed residential density for residential land use designations. Maximum residential densities expressed in dwelling units per net residential acre may be established in zoning to regulate the density of residential development where densities are not specified in the General Plan or lesser densities than those in the General Plan are deemed appropriate. Any such density may be specified within the Development Regulations.
- b. Density Designator. In no case shall a density greater than that allowed in the General Plan be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential

density shall not be specified except in association with a maximum residential density.

Section 12. Section 4115, COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS, of the Zoning Ordinance is amended to read as follows:

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

Section 13. Section 4210, LOT AREA REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit.
- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

Section 14. Section 4220, MINIMUM LOT AREA REQUIREMENTS MET, of the Zoning Ordinance is amended to read as follows:

4220 MINIMUM LOT AREA REQUIREMENT MET – SUBSTANDARD LOT

Any substandard lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force

and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and

- b. It is not the result of a division of land in violation of any state law or county ordinance.

Section 15. Section 4221, MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS, of the Zoning Ordinance is amended to read as follows:

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, provided that one of the following requirements is satisfied:

[a. thru d., no change]

Section 16. Section 4230 of the County Zoning Ordinance is amended to read as follows:

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.

Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

- a. Purpose and Intent

The purpose of lot area averaging is to allow flexibility in lot size, so as to encourage site design that avoids environmental resources, preserves open space areas, and responds to unique site and area features. The intent is that the lots shall relate to the natural features, with larger lots or open space to be located in environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

- b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, building setbacks and orientation;

- ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots unless such adjoining area is to be preserved for open space or that adequate buffering has been provided to eliminate any significant harmful effect to neighboring properties;
 - iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
- 2. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
 - 3. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archeological or historical resources, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
 - 4. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

Section 17. Section 4835, PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS, of the Zoning Ordinance is amended to read as follows:

(following pages)

[a. thru f. only]

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of required yard in combination with all detached accessory structures.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted-----				
e. Stands	Permitted where stands are allowed by Section 6156.	-----Not permitted-----			
f. Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 18. Section 5025, LISTINGS OF DESIGNATORS, of the Zoning Ordinance is amended to read as follows:

5025 LISTINGS OF DESIGNATORS.
The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
C	Airport Land Use Compatibility Plan Area	5250-5260
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747
J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856
W	Flood Channel	5450-5472

Section 19. Section 5250-5260, AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS, of the Zoning Ordinance is added to read as follows:

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

5250 TITLE AND PURPOSE.

The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses with portions of the unincorporated territory of the County of San

Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

5252 APPLICATION OF AIRPORT LAND USE COMPATIBILITY PLAN DESIGNATOR.

The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located in unincorporated County territory with AIAs set forth in the ALUCPs adopted for the following airports: Agua Caliente Airport, Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airport, McClellan-Palomar Airport, MCAS-Miramar, MCAS-Pendleton, Ramona Airport and San Diego International Airport.

5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS

ALUCPs provide compatibility policies and criteria applicable to properties located within AIAs. New development, redevelopment, expansions, conversions and other uses of land located within the AIA of an adopted ALUCP for which County approval or permit are required shall be reviewed against the established criteria and policies of the ALUCP. Unless the property is already devoted to the proposed incompatible use or the ALUCP is overridden by the County in a manner which renders the use compatible with the ALUCP, the proposal, must comply with the established policies and criteria of the applicable ALUCP. ALUCPs are available at the Department of Planning and Land Use and from the Authority.

5256 PROJECTS SUBJECT TO AUTHORITY REVIEW

Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC currently requires Authority review for the following actions:

- (i) adoption or amendments to general and specific plans;
- (ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the AIA;
- (iii) adoption and amendment of Airport Master Plans;
- (iv) construction plans for new airports;
- (v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones);
- (vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and
- (vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

The County may, in its discretion, require submittal of projects to the Authority for review when review is not required by the PUC.

5258 OVERRIDING AIRPORT COMPATIBILITY PLANS

The County consistent with the PUC may overrule land use policies and criteria in the adopted ALUCPs that would otherwise be applicable to unincorporated territory over which the County retains land use authority by taking the following steps:

- (i) holding a public hearing;
- (ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act, PUC Section 21670, et seq; and
- (iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE

Land devoted to an incompatible use prior to approval of an ALUCP may be used in accordance with this pre-existing use even if inconsistent with the ALUCP. To ascertain whether or not an incompatible use was established prior to the adoption of an ALUCP requires a careful review of the status of development entitlements, the scope and nature of development or redevelopment, and Authority policies which may be applicable to infill, reconstruction and other activities that may be deemed an existing incompatible use. Incompatible use determinations are fact sensitive and will be made on a case by case basis by the Director, Department of Planning and Land Use, with input from the Authority when required.

Section 20. Section 5307, USE REGULATIONS AND DEVELOPMENT STANDARDS, of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. thru c., no change]

- d. Steep Slope Lands. No development, grading, excavation, or deposit of soil or other material, on Steep Slope Lands shall be permitted except as follows:
 - 1. Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slopes. Where 10 percent or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement, unless the lot is equal to or greater than 40 acres.

The open space easement shall not include any area of encroachment within the limits of the encroachment table at subparagraph (i) below. The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified at subparagraph (ii) below. New agricultural operations with approved grading or clearing permits will also be allowed in such open space easements, provided any other type of

sensitive lands present are protected as required by the applicable sections of this Ordinance.

- i. For all types of projects the maximum encroachment that may be permitted into steep slope areas shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-five Percent
Slope Encroachment Allowance

Percent of Lot in Slopes of Twenty-five Percent Grade and Greater	Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

- ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:
 - a) All public roads identified in the Mobility Element of the County General Plan or adopted Community or Subregional Plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
 - b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
 - c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.
 - d) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance

is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- e) Trails for passive recreational use according to approved park plans.
- f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
- g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.

2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:

- i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and
- ii. The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent rezone has been filed; and
- iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.
- iv. Site Plan review is required, to ensure consistency of design with these regulations.

[e. thru f., no change]

Section 21. Section 5800, TITLE AND PURPOSE, of the Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more

economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in rural areas.

Section 22. Section 5953, EXCEPTIONS, of the Zoning Ordinance is amended to read as follows:

5953 EXCEPTIONS.

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

[a. thru e., no change]

- f. Except for provisions of Section 5955, the construction of roads shown on the Mobility Element of the San Diego County General Plan.

Section 23. Section 6124, TEMPORARY OUTDOOR SALES, of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.

Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

- a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:
 - 1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

[2. thru 8., no change]

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

- b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
 - 1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

[2. thru 7., no change]

Section 24. Section 6156, RESIDENTIAL AND AGRICULTURAL USE TYPES, of the Zoning Ordinance is amended to read as follows:

[a. thru g., no change]

h. Barns and Agricultural Storage Buildings shall be limited as follows:

[1. no change]

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed that permitted by Section 4620(e). A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

[3. no change]

i. Offices. Offices are permitted only in zones subject to the A70, A72, ~~S87~~, S90, and S92 Use Regulations.

[j. no change]

k. Guest Living Quarters. In the A70, A72, RR, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:

[1. thru 5., no change]

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

[l. thru p., no change]

q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.

[2. thru 10., no change]

[r. thru t., no change]

- u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

[1. thru 10., no change]

- v. Horticultural Sales. In all residential, agricultural, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

[w. thru zz., no change]

Section 25. Section 6205, OFF-PREMISE SIGNS, of the Zoning Ordinance is amended to read as follows:

6205 OFF-PREMISE SIGNS.

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an Administrative Permit. No application shall be accepted which is not accompanied by evidence of current approval by the applicable section of the Outdoor Advertising Act, Division 3 of the Business and Professions Code, State of California.

- a. Permitted Locations: Off-premise signs may be placed only in the following locations, unless otherwise prohibited:
 - 1. On a lot or parcel in zones subject to the C37, C38, M54 and M58 Use Regulations.

[b. thru k., no change]

Section 26. Section 6261, ON-PREMISE SIGNS REGULATED, of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.

Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
 - 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.

2. On premises in any zone where a nonconforming commercial or industrial use type exists.
3. Fallbrook Village Zones.

[b. thru d., no change]

- e. **Lighting.** Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:
 1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.
 2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.
 3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.
 4. The Site Plan waiver provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.
 5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.
- f. **Movement.** No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 27. Section 6263, FREESTANDING SIGNS, of the Zoning Ordinance is amended to read as follows:

6263 FREESTANDING SIGNS.

[a. and b., no change]

- c. **Height.**

1. A freestanding sign shall not exceed a height measured from the ground of:
 - i. Eight feet in zones within the California Coastal Zone except that freeway oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs;
 - ii. Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Regulations;
 - iii. Twenty-five feet in any zone subject to the C34, C35, C36, C40, C42, C44, M50, and M52 Use Regulations; or
 - iv. Thirty-five feet in any zone subject to the C37, C38, M54 and M58 Use Regulations.
 - v. Six feet in Fallbrook Village Zones V1, V2, V3, V4 and V5.
2. A freeway-oriented sign may be increased 10 feet above the height specified in paragraph 1 above.

[d. and e., no change]

Section 28. Section 6332, SITE SELECTION CRITERIA, of the Zoning Ordinance is amended to read as follows:

6332 SITE SELECTION CRITERIA.

A heliport, helipad or helistop shall meet the following site location criteria:

[1. thru 6., no change]

7. Heliports and helipads shall be located within 0.5 miles of an existing expressway, prime arterial, major road or boulevard as noted in the Mobility Element of the General Plan.
8. These criteria are waived for takeoff and landing areas that meet the definition of "Incidental Landing Area" as defined in this ordinance.

Section 29. Section 6402, GENERAL STANDARDS, of the Zoning Ordinance is amended to read as follows:

6402 GENERAL STANDARDS.

- a. Minimum Site Area. Each resort services use shall occupy a site not less than 5 acres in area.
- b. Density. A resort services use shall not have a density of transient habitation units greater than the higher of the following:
 1. Five transient habitation units per acre, or

2. The number specified by the applicable Density Designator or the General Plan.

[c. thru h., no change]

Section 30. Section 6536, GENERAL STANDARDS: MINI-MOBILEHOME PARKS, of the Zoning Ordinance is amended to read as follows:

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

- a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for a mini-mobilehome park with less than nine units.
- c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

Section 31. Section 6621, MAXIMUM DENSITY of the County Zoning Ordinance is amended to read as follows:

6621 COMPUTATION OF PERMITTED NUMBER OF LOTS.

The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

- a. Computation of Residential Acreage in an Exclusively Residential Planned Development. In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.
- b. Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types. For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:
 1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for

residential development (and its associated open space) shall be used as the basis for computing density.

2. For those portions of the site where the residential and non- residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.

Section 32. Section 6624, LOT SIZE, of the Zoning Ordinance is amended to read as follows:

6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350.

Section 33. Section 6627, BUILDING TYPE, of the Zoning Ordinance is amended to read as follows:

6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development.

Section 34. Section 6642, SETBACKS-PERIMETER of the County Zoning Ordinance is amended to read as follows:

6642 SETBACKS-PERIMETER.

The following setbacks shall be maintained on the perimeter of a planned development:

- a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.
- b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet from the right-of-way of such street shall be maintained.
- c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

Section 35. Section 6648, OPEN SPACE of the County Zoning Ordinance is amended to read as follows:

6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. In the event of conflict between the Usable

Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

- a. **Minimum Open Space.** The total land area in residential use types shall be computed per Section 6621.a or b for purposes of determining the open space requirements. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.
- b. **Minimum Private Usable Open Space.** Private Usable Open Space shall be provided on each lot within the subdivision per the table below:

GP Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on individual lots shall be in addition to the Conservation/Group Open Space requirement.

- c. **Conservation/Group Open Space.** The total useable and/or non-useable open space shall be provided on the project site pursuant to the table below.
 - i. **Conservation Open Space.** Non-useable conservation open space shall be left in its natural state and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation open space shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the conservation open space requirement.
 - ii. **Group Open Space.** Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

GP Designation	Percent Conservation/Group Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

- d. **Staged Development.** If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.
- e. **Reservation for Common Use.** All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)
- f. **Unreserved open space.** Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement.
- g. **Additional Requirements for Mobilehomes.** In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
 - 1. At least one substantial area of group usable open space shall be provided. Such area shall:
 - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
 - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - iii. Include outdoor recreational facilities for both active and passive recreation.
 - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
 - 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph

"f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

Section 36. Section 6678, MODIFICATION OF REQUIREMENTS of the County Zoning Ordinance is amended to read as follows:

6678 MODIFICATION OF REQUIREMENTS.

Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density provisions of Sections 6621, nor from the open space provisions of Section 6648, nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

Section 37. Section 6867, NONCONFORMING USE – DAMAGE OR DESTRUCTION OF STRUCTURES, of the Zoning Ordinance is amended to read as follows:

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

- a. If a structure containing any nonconforming use is damaged or destroyed, said structure may be reconstructed, repaired or rebuilt to the predamaged size as lawfully existed prior to the damage or destruction.
- b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code).

Section 38. Section 6900, AMBULANCE SERVICE, of the Zoning Ordinance is amended to read as follows:

6900 AMBULANCE SERVICE.

Ambulance services in zones subject to the RU Use Regulations shall comply with the following provisions.

- a. **Exclusive Use.** No business, other than emergency ambulance service, shall be conducted on the premises nor shall any office equipment or signs be located on the premises.
- b. **Setback.** The ambulance service shall be located no farther than 1,500 feet from an improved road which is designated as no less than a Minor Collector by the Mobility Element of the San Diego County General Plan.
- c. **Use of Warning Equipment.** No siren or flashing lights or any other emergency warning equipment shall be used prior to reaching such Collector Highway as described in subsection "b" above.

- d. Storage. Ambulance shall be parked or stored entirely within an enclosed building.

Section 39. Section 6987, DESIGN REGULATIONS, of the Zoning Ordinance is amended to read as follows:

6987 DESIGN REGULATIONS

[A. thru C., no change]

- D. In a case where the facility site is visible from a Scenic Highway, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

[E. thru R., no change]

Section 40. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____, a newspaper of general circulation published in the County of San Diego.